

APPEAL NO. 022726  
FILED DECEMBER 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 2, 2002. The hearing officer determined that the respondent (claimant herein) sustained a compensable injury on \_\_\_\_\_, and had disability from June 13, 2002, continuing through the date of the CCH. The appellant (carrier herein) files a request for review, contending that the hearing officer's decision was contrary to the evidence, which it argues established that the claimant's injury was idiopathic. The claimant responds that the decision of the hearing officer was sufficiently supported by the evidence.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

It was undisputed that the claimant injured her ankle at work. There was conflicting evidence concerning how the injury occurred. The hearing officer recognized that the claimant had made contradictory statements concerning how the injury occurred. The hearing officer stated the claimant's testimony at the CCH that she was injured when she twisted to turn to perform work was supported by the testimony of the claimant's supervisor who was called as a witness by the carrier. The hearing officer found that the claimant's injury was related to her work, and not due to an idiopathic fall, based upon the testimony of the claimant's supervisor as well as that of the claimant.

The claimant had the burden to prove that she sustained a compensable injury and had disability. These issues presented the hearing officer with questions of fact to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that this decision is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

---

Gary L. Kilgore  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Robert W. Potts  
Appeals Judge